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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

SUPATRA HANNA,

Plaintiff and Respondent,

v.

CHRIS VALENTI,

Defendant and Appellant.

B257344

(Los Angeles County
Super. Ct. No. BQ039236)

APPEAL from a judgment of the Superior Court of Los Angeles County, Teresa A. Beaudet, Judge. Dismissed.

Cole & Loeterman, Dana M. Cole for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Chris Valenti seeks reversal of a one-year restraining order, now expired, issued after a hearing at the request of respondent Supatra Hanna.¹ Because the order has lapsed on its own terms, no appellate relief can be granted. Accordingly, we dismiss the appeal as moot.

FACTS AND PROCEDURAL BACKGROUND

Valenti and Hanna met on an online dating website in 2012. An “intense sexual relationship for a period of approximately two to three weeks” ensued. Valenti and Hanna had a disagreement on October 25, 2012 over Valenti’s career trajectory and aspirations. Hanna immediately tried to mend fences, but by the time Valenti responded to her overtures, Hanna informed him via text message that she considered their next scheduled date cancelled and their nascent relationship over.

Although Hanna expressly texted “Never contact me again,” Valenti continued to text and email her, and she continued to respond, for about a week. On November 6, 2012, Valenti sent Hanna a long email and asked if he could come to Hanna’s apartment to play a song he had written for her. Hanna said no. When Valenti showed up outside her building anyway and asked Hanna to go to her balcony, she texted, “I am uncomfortable and would like you to leave now. Please.” He stayed outside for about half an hour, texting and serenading her, despite her text messages asking him to go home and telling him their relationship was over, that she had moved on, and that he was “scaring [her] a little.” Valenti eventually left after Hanna twice threatened to call the police.

Later that night and into the next day, Valenti sent Hanna several text messages, to which she did not respond. He also emailed her a song he wrote. Hanna responded to his email, stating, “I do not wish to have any further contact with you in any way. I do not

¹ Hanna did not appear or file a respondent’s brief. Her failure to appear does not affect Valenti’s burden on appeal, which is to demonstrate that the trial court abused its discretion when it issued a restraining order pursuant to the Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.). (*Burquet v. Brumbaugh* (2014) 223 Cal.App.4th 1140, 1141, fn. 1; see also *Carboni v. Arrospide* (1991) 2 Cal.App.4th 76, 80, fn. 2.)

wish to have a friendship or any kind of relationship with you whatsoever. I am extremely uncomfortable with all of this and am asking you never to contact me again. I consider this our last exchange. If I hear from you again I will have no choice but to consider it harassment and will be forced to report you.” At the hearing and in the opening paragraph of his candid appellate brief, Valenti acknowledged this was “a clear request by Hanna to stop communications.” Yet Valenti immediately sent Hanna another email, followed by a second a few hours later. Hanna responded one final time, telling Valenti again that she “wish[ed] to have permanent separation.” She also told him he had “scared the living shit out of [her]” when he showed up at her apartment and indicated that his efforts to win back her affections were “TOO MUCH” and “SCARY.”

Undeterred by this missive and Hanna’s subsequent silence, Valenti sent Hanna approximately 26 emails and texts and one voice mail over the next 48 days. In some of the emails, Valenti embedded links to songs and videos he created for Hanna. One of the videos, entitled Team America, For Supatra, was an 18-minute video that Valenti explains was “intended to humorously evoke the movie” Team America: World Police, a film he knew Hanna enjoyed. In the video, Valenti used two dolls (complete with accessories including cell phones, a guitar, and a small dog) to reenact key moments in the couple’s relationship, occasionally appearing as himself to deliver monologues and upbraid the male doll for his foolish behavior. The final scene in the video graphically depicted the two dolls engaging in sexual intercourse.

Hanna eventually showed the video to one of her friends, who insisted Hanna go to the police. Hanna did on December 22, 2012, about a month after Valenti sent her the video. After speaking with Hanna, Detective Robert Farias called Valenti to advise him that an investigation had been initiated. Farias advised Valenti against contacting Hanna. Valenti, whom Farias described as “remorseful,” subsequently texted Hanna once more, promising to stop all contact and asking her not to press charges.

Hanna filed an ex parte request for a temporary restraining order on December 28, 2012. The court granted the order and set the matter for hearing on January 17, 2013. The parties subsequently stipulated to numerous continuances. A hearing eventually

commenced on November 18, 2013. The court heard additional evidence on January 24, 2014 and February 5, 2014. The parties submitted briefs to the court after the February 5, 2014 hearing, and the court heard closing arguments on April 23, 2014. The court observed that Valenti seemed much healthier and less “troubled” than he appeared in the Team America video, but nonetheless concluded that his previously “relentless” communications to Hanna despite her unequivocal desire not to receive them warranted the issuance of a restraining order under *In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483. The court issued a one-year restraining order, which by its terms was set to expire on April 22, 2015.

Valenti timely appealed.

DISCUSSION

The one-year restraining order expired by its terms on April 22, 2015, while this appeal was pending. As a general rule, “[i]f relief granted by the trial court is temporal, and if the relief granted expires before an appeal can be heard, then an appeal by the adverse party is moot.” (*Environmental Charter High School v. Centinela Valley Union High School District* (2004) 122 Cal.App.4th 139, 144.) “It is well settled that an appellate court will decide only actual controversies and that a live appeal may be rendered moot by events occurring after the notice of appeal was filed. We will not render opinions on moot questions or abstract propositions, or declare principles of law which cannot affect the matter at issue on appeal.” (*Daily Journal Corp. v. County of Los Angeles* (2009) 172 Cal.App.4th 1550, 1557.) There are three well recognized discretionary exceptions to this rule, however. They are: ““(1) when the case presents an issue of broad public interest that is likely to recur [citation]; (2) when there may be a recurrence of the controversy between the parties [citation]; and (3) when a material question remains for the court’s determination [citation].” [Citation.]” (*Environmental Charter High School v. Centinela Valley Union High School District*, *supra*, 122 Cal.App.4th at p. 144; see also, e.g., *Conservatorship of Wendland* (2001) 26 Cal.4th 519, 524, fn. 1.)

We invited the parties to file supplemental letter briefs addressing whether this appeal is moot and, if so, whether any of the discretionary exceptions apply. Valenti filed a letter brief arguing that this case presents a matter of broad public interest likely to recur as well as a material question for our consideration. We are not persuaded by either contention.

Valenti contends this case “presents an interesting twist”—and therefore, apparently, an issue of broad public interest that is likely to recur—because of the lengthy 16-month period between the issuance of the temporary and permanent restraining orders. We do not agree that a court’s alleged abuse of discretion in an unusual situation such as the one here presents an issue of broad public interest. Courts have found that issues such as whether the Realignment Act vests courts with the authority to change parolees’ counties of residence (*Department of Corrections & Rehabilitation v. Superior Court* (2015) 237 Cal.App.4th 1472, 1478, 1480), whether a city clerk violates the Election Code by making changes to submitted forms and failing to notify the public of the changes (*Vargas v. Balz* (2014) 223 Cal.App.4th 1544, 1547, 1550), and whether defendants in misdemeanor cases must personally appear at readiness and settlement conferences (*Bracher v. Superior Court of El Dorado County* (2012) 205 Cal.App.4th 1445, 1455) rise to the level of broad public interest. Those issues are almost certain to affect large swaths of the population. The issues raised by this appeal are not and in our view do not affect the broad public interest.

Moreover, even if the issues presented here were pertinent to the broad public interest, nothing in the record suggests they are likely to recur. Valenti himself asserts that “[t]ypically, domestic violence or civil harassment restraining orders are heard and determined reasonably promptly, e.g. within three to six weeks,” undermining his own contention that a procedural delay similar to the one here is likely to recur. Valenti suggests that “in the event of parallel criminal proceedings, it is likely that such hearings may occur many months after an alleged incident,” but he does not provide support for

that assertion and overlooks the fact that much of the delay in this case is attributable to the parties' four stipulations to continue the matter.²

We likewise conclude the instant appeal does not present a material question for our consideration, namely whether it is appropriate for the history of the temporary and permanent restraining orders to remain on Valenti's record for perpetuity. Clearing one's name can serve as an exception permitting review of a moot criminal appeal. (See *People v. DeLong* (2002) 101 Cal.App.4th 482, 492; 6 Witkin & Epstein, Cal. Criminal Law (4th ed. 2012) Criminal Appeal, § 187, p. 472.) However, Valenti has not cited, nor have we found, any authority suggesting that the speculative implications of an expired civil restraining order compel review of a moot appeal. (See 9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, §§ 757-760, pp. 824-834 [discussing reasons for denying dismissal of a moot civil action].)

Valenti's "scrupulous adherence" to the temporary restraining order during the pendency of the proceedings does not alter our mootness inquiry. Nor does his merits-based contention that the court should have considered factors relevant to renewing rather than issuing a restraining order. Whether issued properly or improperly, the restraining order has now expired. We decline to exercise our discretion in favor of reviewing the moot order.

² Valenti also sought and received two extensions of time in which to file his appellate brief and appendix.

DISPOSITION

The appeal is dismissed as moot. We award no costs on appeal because respondent Hanna did not appear.

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COLLINS, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.